

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: IMPLEMENTATION OF THE FEDERAL COMMUNICATIONS COMMISSION'S TRIENNIAL REVIEW ORDER ADOPTING NEW RULES FOR NETWORK UNBUNDLING OBLIGATIONS	DOCKET NO. INU-03-1
--	---------------------

**ORDER REGARDING PARTICIPATION IN MULTI-STATE
"BATCH HOT CUT" FORUM**

(Issued November 7, 2003)

In an open meeting on February 20, 2003, the Federal Communications Commission (FCC) adopted rules concerning the obligations of incumbent local exchange carriers (ILECs) to make elements of their networks available on an unbundled basis. The FCC's written order memorializing its decisions (FCC 03-36) was released on August 21, 2003, and directed state regulatory commissions such as the Iowa Utilities Board (Board) to undertake certain activities regarding these ILEC obligations.

One of the directives from the FCC was for state commissions to approve a batch hot cut process for the ILECs or a determination that the process is not necessary in a particular market. The Board must complete this proceeding within nine months of the effective date of the FCC's order.¹ In order for the Board to begin its required approval of a batch hot cut process or to make a determination that such

¹ Id. at ¶¶ 487-492.

a process is not necessary in a specific market, the Board directed that each affected ILEC provide details regarding its current hot cut process. Information was filed as required by Frontier Communications of Iowa, Inc., Iowa Telecommunications Services, Inc. d/b/a Iowa Telecom, and Qwest Corporation (Qwest).

On October 31, 2003, a joint motion was filed on behalf of Qwest, AT&T Communications of the Midwest, Inc. (AT&T), and WorldCom, Inc. (MCI), proposing that the Board participate in a multi-state forum process to address the batch hot cut requirements of the FCC's August 21, 2003, order as applied in the 14-state region served by Qwest. The joint motion suggested a procedural schedule for the Board's approval and described key aspects of the proposed forum. At the forum, the parties will discuss the issues concerning Qwest's batch hot cut process. Agreements reached by the participants will be documented and will be binding upon the parties who have entered into the agreements. Impasse issues remaining at the conclusion of the forum process will also be documented and will be litigated before the Board and the other state commissions for resolution in the individual state proceedings.

Normally, the Board would not act on the joint motion until any other interested person has had more time to respond to the motion. However, the applicable time limits require that the Board act on the motion quickly if the Board is to preserve the possibility of full participation in the multi-state process. Therefore, in this order the Board will express its tentative agreement with the proposal that a uniform batch hot-cut process for all Qwest states will provide the most efficient and effective operating environment for the parties and will grant the joint motion, subject to reconsideration

based on any objections or other responsive pleadings filed with the Board by November 14, 2003.

According to the proposal, a face-to-face meeting will take place in Denver, Colorado, starting December 1, 2003, and continuing through December 3, 2003.² For those participants unable to participate in person, a conference bridge will be made available. All discussions are to be transcribed by a licensed court reporter and be made a part of the record in the Board's proceeding. The Board will direct Qwest to file in this docket two copies of any transcript within one week after the transcript is completed.

The Board is concerned about the lack of detail in the proposal as filed, but it is apparent that the filing had to be made quickly in order to preserve the option of a Qwest region-wide process, if possible in order to ensure the Board is not affected by future developments. Because of the lack of detail, the Board will reserve the right to withdraw from the multi-state process at any time.

For example, according to the joint motion, Qwest will assume the administrative role of creating the agenda for, and documenting the results of, each meeting. The Board assumes that this does not indicate that Qwest will have full control of the agenda and the issues to be discussed. If such a situation were to develop and adversely affect the Board's ability to fulfill its duties and obligations, the Board would have to withdraw from this multi-state process and proceed individually. Similarly, the joint motion indicates that all agreements reached "will be documented."

² According to the proposal, additional meetings may be held in Seattle, Washington, and Phoenix, Arizona (if necessary) during the period between December 4, 2003, and January 15, 2004.

The Board will require that such documentation include the initial positions taken by the parties, the final resolution, and the rationale for the resolution, so that the final agreement will provide an adequate basis for future Board action.

The Board notes that a few of the dates proposed by the parties to the joint motion will need to be altered slightly and will make those revisions as necessary. Once the Board has been notified of the scope of the impasse issues, it will make further determinations regarding the procedural schedule in this docket.

IT IS THEREFORE ORDERED:

1. The joint motion filed on behalf of Qwest, AT&T, and MCI on October 31, 2003, asking the Board to endorse a multi-state batch hot cut forum is approved subject to reconsideration, as discussed in this order. If any interested person intends to respond to the joint motion, the response must be filed on or before November 14, 2003.
2. Qwest is directed to make the required filings of transcripts and to document any agreements reached in the manner discussed in this order.
3. On or before November 12, 2003, Qwest is directed to submit its batch hot cut proposal, including a detailed description of the process that includes, but is not limited to, the following items: capacity, pre-order, ordering and provisioning, the proposed cost for batch hot cut activities, and the intervals.
4. Any comments or counter proposals in response to Qwest's filing must be filed on or before November 18, 2003.
5. The initial multi-state forum will be held in Denver, Colorado on December 1-3, 2003, with a conference bridge available. All proposals and materials

to be discussed at the forum will be provided to participants, electronically, two business days in advance of any face-to-face meetings or conference calls.

6. Simultaneous filing of direct testimony by all parties on impasse issues regarding the batch hot cut process must be filed on or before January 20, 2004.

7. On or before January 20, 2004, Qwest shall file documentation regarding any issues settled by stipulation.

8. Rebuttal testimony by all parties must be filed on or before February 17, 2004.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 7th day of November, 2003.